

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

Baltimore Division

In re:)
) CHAPTER 13
ANTHONY DEANGELO)
aka Anthony D. Deangelo,)
) CASE No. 08-21633-DK
Debtor.)

)
WELLS FARGO BANK, N.A.,)
)
Movant,)
)
v.)
)
ANTHONY DEANGELO)
aka Anthony D. Deangelo,)
)
Respondent.)

MOTION SEEKING RELIEF FROM STAY

Comes now Wells Fargo Bank, N.A., a secured creditor or servicer for a secured creditor, by Counsel, and moves this Honorable United States Bankruptcy Court for Relief from the Stay imposed by 11 U.S.C. Section 362(a), and in support thereof, states as follows:

1. That this Motion is filed pursuant to 11 U.S.C. Section 362(d) and Rules 4001 and 9014 of the Bankruptcy Rules, as hereinafter shall more fully appear.
2. That Wells Fargo Bank, N.A. is a secured creditor or servicer for a secured creditor of the Debtor whose claim is based upon a certain Deed of Trust Note dated April 22, 2004 in the principal amount of \$225,801.95 and executed by Anthony DeAngelo aka Anthony D. DeAngelo, the Debtor herein. The unpaid principal balance due under said Note as of December 16, 2008, including interest at the Note rate of 6.26% per annum, late charges,

attorney's fees and trustee's fees and costs for a cancelled foreclosure sale, was approximately \$226,493.13. A copy of said Note is attached hereto, marked as Exhibit B, and expressly made a part hereof, as is a total debt statement, marked as Exhibit A. Repayment of said Note is secured by that certain Deed of Trust dated April 22, 2004 and recorded in Liber 5331 at Folio 094 among the land records of Harford County, Maryland, by which Anthony DeAngelo aka Anthony D. DeAngelo conveyed to Mitchell L. Heffernan, Trustee, the subject property, which is located at 3525 Smith Road, Darlington, MD 21034 and which is more particularly described in the Deed of Trust. A copy of said Deed of Trust is attached hereto, marked as Exhibit B-1, and expressly made a part hereof.

3. That on September 10, 2008, the United States Bankruptcy Court for the District of Maryland entered an Order for Relief under 11 U.S.C. Chapter 13 upon a petition filed by Anthony DeAngelo aka Anthony D. DeAngelo, Case No. 08-21633-DK.

4. That the pre-petition arrears are \$11,133.70. That the Debtor has failed to make post-petition payments to the undersigned and is therefore in default, as of December 16, 2008, as follows:

November through December 2008 regular monthly payments @ \$1,625.29 each	\$3,250.58
November 2008 late charges @ \$69.59 each	69.59
Attorney's fees and costs for representation in this matter	<u>1,000.00</u>
TOTAL	\$4,320.17

A copy of the post-petition payment history is attached hereto, marked as Exhibit C, and expressly made a part hereof.

5. That by reason of the foregoing, the undersigned lacks adequate protection for its security interest and is, and continues to be, irreparably harmed by the continuation of the Stay of 11 U.S.C. Section 362(a) and that therefore cause exists for the termination thereof.

WHEREFORE, the undersigned respectfully moves this Honorable United States Bankruptcy Court for entry of an Order granting it, its successors and/or assigns or current noteholder Relief from the Stay of 11 U.S.C. Section 362(a) so that the undersigned may proceed to enforce the perfected security interest in the subject property.

WELLS FARGO BANK, N.A.

By: /s/ Brian S. McNair
Of Counsel

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A Professional Corporation
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By: /s/ Brian S. McNair
Brian S. McNair
Federal Bar No. 25270
Of Counsel to Wells Fargo Bank, N.A.

I hereby certify that on the 30th day of December, 2008, a true copy of the foregoing Motion Seeking Relief from Stay was mailed, postage prepaid, to:

Anthony DeAngelo
3525 Smith Road
Darlington, MD 21034

- Debtor

And electronically transmitted to:

Adam M. Freiman, Esquire
Sirody, Freiman & Feldman, PC
1777 Reisterstown Road
Suite 360 E
Baltimore, MD 21208

- Counsel for Debtor(s)

Ellen W. Cosby
P.O. Box 20016
Baltimore, Maryland 21284-0016

- Trustee

/s/ Brian S. McNair

Brian S. McNair